

**IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT**

No. 14-90007

In re: CHARLES PARKER, JR.,

Movant

Motion for Permission to Proceed after Sanction

O R D E R:

Charles H. Parker, Jr., Louisiana prisoner # 336890, has filed a motion for permission to proceed after having been sanctioned. Parker has filed five unsuccessful motions for authorization to file a successive 28 U.S.C. § 2254 application. *See In re: Parker*, No. 06-30826 (5th Cir. Sept. 7, 2006) (unpublished); *In re: Parker*, No. 09-30594 (Aug. 4, 2009) (unpublished). In the order denying the fifth motion, this court imposed a monetary sanction of \$200 and barred Parker “from filing in this court or in any court subject to this court’s jurisdiction, any challenge to his conviction or sentence until the sanction is paid in full, unless he first obtains leave of the court in which he seeks to file such challenge.” *In re: Parker*, No. 09-30594 (Aug. 4, 2009) (unpublished).

Parker seeks to file a motion for authorization to file a successive § 2254 application, arguing that (1) the State improperly struck African-American prospective jurors in violation of *Batson v. Kentucky*, 476 U.S. 79 (1986); (2) his trial counsel was ineffective because he failed to advise Parker of two separate plea offers; (3) his trial counsel lied when he advised Parker that there was an

No. 14-90007

agreement with the trial judge to sentence Parker to five years; (4) his trial counsel failed to call his codefendant as a witness; (5) there was egregious prosecutorial misconduct; (6) the trial court did not appoint counsel to represent him at a state habeas evidentiary hearing; and (7) the State misrepresented that his state habeas application was untimely. Parker has not raised a nonfrivolous issue to support the filing of a successive § 2254 application as he has not made a *prima facie* showing that any of his proposed claims are based on either a new rule of constitutional law or a new factual predicate as required by 28 U.S.C. § 2244(b)(2)(A) and (B). This motion for permission to proceed as a sanctioned litigant is DENIED.

Despite the previous sanction and warnings, Parker has persisted in filing frivolous motions. Therefore, Parker is ORDERED to pay an additional sanction in the amount of \$300 to the Clerk of this Court. Parker is reminded that he is BARRED from filing any pleading in this court or in any court subject to this court's jurisdiction concerning the validity of his conviction or sentence until the sanction has been paid in full, unless he first obtains leave of the court in which he seeks to file such a challenge. Parker is CAUTIONED that the filing of future frivolous or repetitive challenges to his conviction or sentence in this court or any court subject to this court's jurisdiction will subject him to additional and progressively more severe sanctions.

/s/ James E. Graves, Jr.
JAMES E. GRAVES, JR.
UNITED STATES CIRCUIT JUDGE